

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

MARCUS A. OWENS

Defendant(s)

Case No.

16-M-030

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 4, 2016 in the county of Kenosha in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A

Offense Description

Receipt and possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Christina Porter

Complainant's signature

Task Force Officer Christina Porter, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

Feb. 9, 2016

City and state:

Milwaukee, Wisconsin

David E. Jones

Judge's signature

David E. Jones, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Christina Porter, having been first duly sworn, do hereby depose and state as follows:

1. I am a task force officer with the Federal Bureau of Investigation ("FBI") and have been a sworn law enforcement officer since 2004. I am assigned to the FBI's Child Exploitation Task Force, Milwaukee Division, Milwaukee, Wisconsin. As part of my duties as a task force officer, I am authorized to investigate violations relating to child exploitation and child pornography, including the receipt, possession, and distribution of child pornography, in violation of 18 U.S.C. §§ 2252, and 2252A. I have gained experience in conducting these investigations through training and through everyday work, to include executing search warrants and conducting interviews of individuals participating in the trading of child pornography. I have also received training relating to the investigation of Internet crimes against children (ICAC), which includes training in the investigation and enforcement of state and federal child pornography laws in which computers and other digital media are used as a means for receiving, transmitting, and storing child pornography. As a sworn law enforcement officer assigned as a task force officer to a federal law enforcement agency, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
2. This affidavit is being submitted in support of a criminal complaint charging Marcus A. Owens with Receipt and Possession of Child Pornography in violation of Title 18, United States Code, Sections 2252A(a)(2) and (a)(5).
3. The information supplied in this affidavit is based upon my own investigation and upon information provided and investigation conducted by other law enforcement personnel in this matter to date. Since this affidavit is being submitted for the limited purpose of securing a

criminal complaint, I have not set forth every fact related to or otherwise the product of this investigation.

PROBABLE CAUSE

4. On February 1, 2016, law enforcement obtained a federal search warrant for the premises located at 6815 31st Avenue, Kenosha, Wisconsin. This is the residence of Marcus Owens. The warrant authorized a search for evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 2252A, relating to the receipt and possession child pornography.

5. On February 4, 2016, the search warrant was executed 6815 31st Avenue, Kenosha, Wisconsin. During the execution of the search warrant, law enforcement agents with forensic training conducted an on-scene forensic preview of numerous digital evidence items seized from the premises. In particular, an agent previewed a Seagate Free Agent GoFlex external USB hard drive, which was located on the first floor of the residence. During the preview of this external hard drive, agents identified numerous images and videos of suspected child pornography as defined in 18 U.S.C. § 2256. Below are five examples of the child pornography files, which were identified during the preview:

File Name ending in: ...Aussie dad\DSC04149.JPG

Description: This image depicts a prepubescent female lying on her back with her legs in the air. An unknown male's penis is being inserted into the vagina of the prepubescent female.

File Name ending in: ...Aussie dad\DSC04156.JPG

Description: This image depicts a naked prepubescent female, approximately two years of age, lying on her back. Her legs are spread open exposing her vagina.

File Name ending in: ...Aussie dad\DSC04252.JPG

Description: This image depicts a naked prepubescent female, approximately two years of age, lying on her stomach. Her buttock is exposed and her legs are slightly spread open. An

unknown male is using the middle finger of his right hand to touch the genital area of the child.

File Name ending in: ...Aussie dad\DSC04294.JPG

Description: This image depicts a naked prepubescent female, approximately two years of age, lying on her back. Her legs are spread open exposing her vagina. An unknown male is using the middle finger of his right hand to touch the genital area of the child.

File Name ending in: ...Aussie dad\DSC04298.JPG

Description: This image depicts a naked prepubescent female, approximately two years of age, lying on her back. Her legs are spread open exposing her vagina. An unknown male's penis is touching the anal area of the prepubescent female.

6. Law enforcement has reviewed the Seagate Free Agent GoFlex external USB hard drive and concluded it was not manufactured in the state of Wisconsin.
7. The "Internet" is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state. The forensic preview of a computer at Owens' residence, along with statements made during a voluntary interview with Owens at the time of the search, revealed that Owens accessed websites known to be associated with the advertisement and distribution of child pornography and programs designed to permit individuals to browse the Internet anonymously. A device such as the Seagate Free Agent GoFlex external USB hard drive referenced above is able to store images and videos obtained through the Internet. Therefore, based on my training and experience, I believe Marcus Owens most likely obtained the files depicting child pornography by downloading them through the Internet.

8. Marcus Owens was present at the residence when agents entered to execute the search warrant on February 4, 2016. At that time, Owens voluntarily agreed to answer certain questions posed by law enforcement. Among other things, Owens confirmed that he lives alone at the residence and that he uses computers found on the premises. After answering several questions, including admitting to accessing certain websites that contain images of child pornography, Owens declined to answer further questions and the interview was terminated.

9. Based on the facts as briefly described in this affidavit, I submit there is probable cause to believe that Marcus Owens has committed the federal crimes of receipt and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(2) and (a)(5).